

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

OTONIEL SOSA TEOBA , individually
and on behalf of others similarly situated,

Plaintiffs

No. 6:10-cv-06132 (CJS)

v.

CLASS ACTION

TRUGREEN LANDCARE L.L.C.

Defendant.

DECLARATION OF PABLO NOLASCO HERNANDEZ

1. My name is PABLO NOLASCO HERNANDEZ. I am over the age of 18 and fully competent to make this declaration. I am the plaintiff in the above-encaptioned lawsuit against TRUGREEN LANDCARE LLC.

2. In 2001 through 2009 I was recruited in Mexico by a company called LLS International located in Cholula, Mexico to come to work for TruGreen Landcare using an H-2B visa. I worked for TruGreen as a landscape laborer in Richmond Virginia in 2001 through 2008 and in Norfolk Virginia in 2009.

3. Each year I worked for TruGreen Landcare, LLS directed me to pay approximately \$360 for visa fees and LLS' processing fees.

4. Each year, I was interviewed for my visas at the U.S. consulate in Monterrey, Mexico along with other H-2B visa workers hired by TruGreen. I had to pay to drive my vehicle from my home to Monterrey, where I had to pay for lodging until my visa was delivered to me. Once

my visa was issued I paid to drive my vehicle from Monterrey to the TruGreen office where I worked. In all my travel and lodging costs amounted to approximately \$800.

5. Based on my conversations with other Mexican workers going to work for TruGreen, both in Monterrey and in the United States, all of the Mexican H-2B workers recruited by TruGreen were recruited by LLS and had to pay expenses similar to the visa, transportation and processing fees I had to pay.

6. While working for TruGreen in 2001, I was paid approximately \$7.50 per hour. From 2002 through 2006, I was paid approximately \$9.50 per hour. In 2007, 2008, and 2009 I was paid a bit more than \$14.00 per hour. The visa, processing, and transportation expenses myself and other H-2B workers incurred in getting to the United States to work for TruGreen far exceeded the wages we received during our first work week with TruGreen each year.

7. TruGreen did not reimburse any portion of the expenses I incurred in coming to the United States to work for TruGreen either during the first work week or at any other time, except for a partial reimbursement of \$160 in 2009.

8. Based on my observations of other H-2B workers and conversations with them I do not believe that TruGreen reimbursed any of its Mexican workers for their visa, transportation or visa processing fees, except for reimbursing some workers \$160 in 2009.

9. At the end of each season that I worked for TruGreen, I had to pay my own way back to Mexico as did the other H-2B visa workers employed by TruGreen. That return trip cost approximately \$650 in my vehicle. If those return transportation costs are treated as deductions from my last weeks' wages, I did not earn minimum wage during my last work week in any of the years I worked for TruGreen.

10 I declare under penalty of perjury of the laws of the United States that the foregoing
statements are true and correct.

Dated: 25 June 2010


Pablo Nolasco Hernandez